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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,277	07/31/2000	Hiroyuki Miyoshi	9369-49(T37-124487M/TH)	4913

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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/629,277

Applicant(s)
MIYOSHI et al

Examiner
Thomas J. Brahan

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 4, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 20) ☐ Other:

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification fails to discuss and define the term "rotation surface" as now used for the sheave in line 7 of claim 1. Appropriate correction is required. No new matter may be entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what surface would be considered as the "rotation" surface of the sheave. The entire sheave rotates as to every surface rotate. How is applicant using this term within the claims? What structure is applicant attempting to claim with this term?

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

6. Claim 1, as best understood, is rejected under 35 U.S.C. § 102(b) as being anticipated by JP 8-169671. JP '671 shows an elevator apparatus comprising:

an actuating device including a sheave (13) around which a rope (6) engaged with an ascending and descending cage (22) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (19) for rotating the sheave,

wherein the actuating device (19) is installed in a machine room provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room is adjacent an elevator passage for the cage, and a rotation surface of the sheave is adjacent a side of the cage when the cage is positioned at the top floor. Note that the term "adjacent" is broad as to read upon relationship between the elevator cage and the drive sheave when the cage is at the top floor.

7. Claim 1, as best understood, is rejected under 35 U.S.C. § 102(b) as being anticipated by Beaulieu. Beaulieu shows an elevator apparatus comprising:

an actuating device including a sheave (20) around which a rope (20) engaged with an ascending and descending cage (10) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (18) for rotating the sheave,

wherein the actuating device is installed in a machine room provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room is adjacent an elevator passage for the cage, and a rotation surface of the sheave is adjacent a side of the cage when the cage is positioned at the top floor.

8. Claim 1, as best understood, is rejected under 35 U.S.C. § 102(b) as being anticipated by Aulanko et al (EP 719 724). Figure 4 of Aulanko et al shows an elevator apparatus comprising:

an actuating device including a sheave (107) around which a rope (103) engaged with an ascending and descending cage (101) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (106) for rotating the sheave,

wherein the actuating device (106) is installed in a machine room (109) provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room is adjacent an elevator passage for the cage, and a rotation surface of the sheave is adjacent a side of the cage when the cage is positioned at the top floor.

9. Claims 1-3, 5, and 6, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2-70689 in view of Beaulieu or JP '671. JP '689 shows the basic claimed elevator actuating device including a support member (the left portion of the mounting bracket which is indicated as 7 in figure 1), a speed-reducer (2, 5) mounted on a first side of the support member, and a drive assembly (6) with a brake mounted on a second side of the support member. Note that the claims do not specify that the drive assembly is a drive motor, just an assembly, alternatively, see the next paragraph. Figure 2 shows that the actuating device is arranged above the cage and the counterweight, but the reference varies from the claims by not specifying that the drive motor is mounted in a machine room at the top floor of the building. Beaulieu and JP '671 show similar sheave elevator arrangements with their actuating devices located in machine rooms adjacent to the top floor of the building. It would have been obvious to one of ordinary skill in the art to locate the elevator drive of JP '689 in a machine room at the top of the building, as to have it off to the side of the elevator shaft reducing the hoistway height, as taught by Beaulieu or as taught by JP '671. The speed-reducer, drive assembly, and brake of JP '689 are arranged coaxially, as recited in claim 3. The output of the speed-reducer is the sheave, as recited in claim 5. The mounting of the support is to the floor as recited in claim 6.

10. Claims 2-6, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '689 in view of Beaulieu or JP '671, as applied above to claim 1, and further in view of Hakala et al. JP '689, as modified, shows the basic claimed elevator device, but varies from claims 2 and 4 by not having the brake located radially inwardly of the motor. Hakala et al shows a similar compact elevator drive and teaches placing the brake mechanism (122, 123) within the motor. It would have been obvious to one of

ordinary skill in the art to modify the actuating assembly of JP '689 by having its brake mechanism located radially within the motor, to reduce the space occupied by the actuating assembly, as taught by Hakala et al.

11. Applicant's remarks in the amendment filed January 4, 2002, have been considered, but are deemed moot in view of the above new rejections. Applicant's amendment necessitated the new grounds of rejection presented in this Office action, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action,

12. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

TJB 4/5/02
THOMAS J. BRAHAN
PRIMARY EXAMINER